

Appeal Decision

Site visit made on 21 June 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 July 2016

Appeal Ref: APP/L3245/W/16/3144776

Land adjacent to The Poplars, Great Ness, Nesscliffe, Shrewsbury SY4 2LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by J Warner and Son against the decision of Shropshire Council.
 - The application Ref 15/03599/OUT, dated 18 August 2015, was refused by notice dated 11 November 2015.
 - The development proposed is residential development including access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with the matter of access to be determined. Matters of appearance, scale, layout and landscaping are reserved for future consideration, though an indicative plan (PGN/PP/02a) showing 1 dwelling has been provided. I have determined the appeal on that basis.

Main Issue

3. The main issue is whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development, the development plan and the National Planning Policy Framework (the Framework).

Reasons

Planning Policy Context

4. The appeal site is located within the open countryside outside of any defined settlement boundaries. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) seeks to control new development in the open countryside. It identifies dwellings necessary for forestry, agricultural or other workers, or dwellings which would meet an identified local housing need as exceptions to this control. The proposal would result in the erection of an open market dwelling on the site. It would, therefore, conflict with Policy CS5.
 5. Policy CS4 of the CS indicates that development in Community Clusters, as identified in the recently adopted Shropshire Site Allocations and Management of Development Plan 2015 (SAMDev), will be supported where it is of a scale that is appropriate to the settlement as set out in the relevant SAMDev policy.
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6. Policy S16.2(ix) of the SAMDev identifies Great Ness as part of such a Community Cluster where development by limited infilling may be acceptable on suitable sites within the village. The policy sets out a housing target of 10-15 dwellings to be delivered up until 2026 across the Community Cluster.
7. The appeal site is located close to Great Ness but distinctly separate from the core of the village. It is common ground between the main parties that the proposal would not constitute limited infilling. On the evidence before me, I agree that the appeal site can not reasonably be considered as infill. The Council indicates that planning permission has been granted for 9 dwellings within Great Ness, with 5 having already been built out. It is also noted that planning permissions have also been granted in other villages within the Community Cluster. The proposal would, therefore, result in a material, if somewhat modest, increase in the number of dwellings within the Community Cluster beyond the target set out in Policy S16.2(ix). As a result, the proposal would conflict with Policy CS4 of the CS and Policy S16.2(ix) of the SAMDev.
8. The appellant submits that the Council is unable to demonstrate a 5 year supply of housing land. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply. The appellant argues that the relevant policies for the supply of housing are not up-to-date and therefore the presumption in favour of sustainable development set out in Paragraph 14 of the Framework applies. The appellant has referred to a recent appeal decision¹ at Teal Drive, Ellesmere where the Inspector found that the Council could not demonstrate a 5 year housing supply. The Council argues on the contrary, pointing to a housing supply statement dated November 2015 which demonstrates a 5.53 year supply. It has also drawn attention to another recent appeal decision² where an Inspector concluded that the Council can demonstrate a 5 year supply.
9. It is clear that situation regarding deliverable housing land supply is complex and the topic of considerable debate and, whilst I have had regard to the Teal Drive decision, I have no substantive evidence from the appellant in this case to dispute the Council's stance. Consequently, on the limited evidence before me, I cannot conclude in this instance that the Council is unable to demonstrate a 5 year supply of housing land.
10. Nevertheless, SAMDev Policy MD3 states that where a development would result in an increase beyond the targets for delivery set out in Policy S16.2(ix), as is the case here, decisions will have regard to the benefits arising from the development, the impacts of the development and the presumption in favour of sustainable development. Furthermore, Paragraph 49 of the Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
11. Paragraph 14 of the Framework confirms the presumption in favour of sustainable development as permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework taken as a whole. A balancing exercise of whether the adverse impacts would outweigh the benefits of the proposal is therefore required.

¹ APP/L3245/W/15/3067596

² APP/L3245/W/15/3033490

Sustainable Development

12. Paragraph 7 of the Framework indicates that there are three dimensions to sustainable development - environmental, economic and social. Paragraph 8 confirms that these are mutually dependent.
13. The appeal site forms an integral part of the substantial expanse of undulating countryside that envelops Great Ness. The site plays a key role in supporting the rural character which is evident upon approach to the village. Although somewhat contained by hedgerows, the appeal site nevertheless makes a significant, positive contribution to the open and, despite the presence of agricultural buildings, largely unfettered character of the countryside.
14. Whilst I note that scale and appearance are reserved matters, the indicative scheme nevertheless points towards a two-storey dwelling with a significant area of driveway. Although I acknowledge a small, existing building on the site would be removed, in my view the proposal would result in a significant increase of built form within this part of the open countryside. Moreover, I consider that the existing level of vegetation around the site would not significantly screen views of the proposal and in any event, utilising additional landscaping to screen the dwelling would only serve to reduce the open nature of the site.
15. The proposed development would extend the village of Great Ness so as to be harmful to its established form and character as a settlement. Furthermore, the proposal would result in a significant encroachment of urban form into open countryside. As a result, I consider the proposal would appear as an isolated and incongruous form of development. I conclude at this stage, therefore, that the proposal would have a significant, harmful effect on the character and appearance of the open countryside.
16. My attention has been drawn to a recent grant of planning permission for a single dwelling on land adjacent to Oakfield³. Whilst this sits a short distance from the appeal site, the land lies between an existing property and the village, resulting in less of an encroachment into the open countryside than the appeal proposal. In any event, I have determined this appeal on its individual merits. Accordingly, I attached limited weight to the Oakfield case.
17. The appeal site lies adjacent to the boundary of the Great Ness Conservation Area and close to the Grade II Listed 'The Poplars'. The appellant's Design and Access Statement describes Great Ness as an attractive settlement of architectural and historic character. Its significance derives from its historical value and the range of building styles and materials within the village. The setting of the conservation area is dominated by open countryside. I also consider the Grade II Listed Building is an attractive, red brick property which exhibits considerable aesthetic and historical value. Its location close to the open fields around the village contributes to its significance as a heritage asset.
18. The Council has raised no concerns with the effect of the proposal on the setting of the conservation area or the setting of the listed building. On the evidence before me, I have no reason to disagree. Nevertheless, the setting of both heritage assets would undoubtedly be affected to some degree and careful design would be needed to ensure that those effects would not be harmful.

³ Ref: 14/05711/FUL

19. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty upon decision makers to safeguard the significance of heritage assets for future generations. Statute allows for change in the setting of heritage assets, where change does not harm the significance of the listed building or conservation area. In this instance, I find that the proposal would preserve the setting of the Great Ness Conservation Area and the Grade II Listed 'The Poplars'. This would, nevertheless, be a neutral factor, rather than a benefit of the proposal.
20. The proposal would be liable for a payment through the Community Infrastructure Levy (CIL), however, the CIL is designed to deliver infrastructure necessary to support additional development. I consider, therefore, that a CIL payment in respect of this proposal would also be a neutral factor rather than a benefit.
21. I acknowledge the reasonable proximity of the site to Great Ness and the role of the village as part of a wider Community Cluster. There is no dispute between the parties that the appeal site would be a reasonably accessible location. I have no reason to come to an alternative view. I also note that the proposal would remove a derelict building from the site and that the site has little ecological value.
22. Paragraph 47 of the Framework sets out the objective to boost significantly the supply of housing. The proposal would result in an additional dwelling which would contribute, albeit modestly, to the supply of housing in the area. Moreover, it would also provide some opportunity for local employment associated with the construction phase and would support the local economy through increased spending from future residents. The proposal would also make a contribution towards maintaining the level of services within the area. Consequently, there would be some economic and social benefits.
23. However, the benefits identified would, in my view, be limited, and would be significantly and demonstrably outweighed by the harmful effect of the proposal on the character and appearance of the open countryside. The significant harm arising from the proposal means that the proposal would not achieve the environmental role necessary in order to constitute sustainable development.
24. I conclude, therefore, that the proposed development would not provide a suitable site for housing, having regard to the principles of sustainable development. The proposal would be contrary to policies CS4, CS5, CS6 and CS17 of the CS. It would also be contrary to policies S16.2(ix) and MD3 of the SAMDev. Finally, the proposal would conflict with the sustainable development objectives of the Framework. The Council's decision notice cites Policy H3 of the SABC Local Plan. However, that has been superseded by the adoption of the SAMDev and is no longer development plan policy. Accordingly, I afford it little weight.

Conclusion

25. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR